

ALAN W. SPARER (No. 104921)  
 MARC HABER (No. 192981)  
 KEVIN H. LEWIS (No. 197421)  
 JAMES S. NABWANGU (No. 236601)  
 SPARER LAW GROUP  
 100 Pine Street, 33<sup>rd</sup> Floor  
 San Francisco, California 94111-5128  
 Telephone: 415/217-7300  
 Facsimile: 415/217-7307  
 asparer@sparerlaw.com  
 mhaber@sparerlaw.com  
 klewis@sparerlaw.com  
 jnabwangu@sparerlaw.com

Attorneys for Plaintiffs  
 JAMES RAFTON, TRUSTEE  
 OF THE JAMES AND CYNTHIA  
 RAFTON TRUST and JAMES DARST, JR.,  
 TRUSTEE OF THE JAMES & HILLARY  
 DARST TRUST

MATTHEW L. LARRABEE (No. 97147)  
 DAVID A. KOTLER (*pro hac vice*)  
 MURIEL M. KOROL (No. 261909)  
 DECHERT LLP  
 One Maritime Plaza, Suite 2300  
 San Francisco, California 94111-3513  
 Telephone: 415/262-4500  
 Facsimile: 415/262-4555  
 matthew.larrabee@dechert.com  
 david.kotler@dechert.com  
 muriel.korol@dechert.com  
 Counsel for Defendants  
 RYDEX SERIES FUNDS; PADCO  
 ADVISORS INC. d/b/a RYDEX  
 INVESTMENTS, INC.; RYDEX  
 DISTRIBUTORS, INC.; NICK BONOS;  
 MICHAEL P. BYRUM; RICHARD M.  
 GOLDMAN; and CARL VERBONCOEUR

MICHAEL K. WOLENSKY (*pro hac vice*)  
 CRAIG BRIDWELL (No. 246124)  
 SCHIFF HARDIN LLP  
 One Market, Spear Street Tower  
 Thirty-Second Floor  
 San Francisco, CA 94105  
 Telephone: 415/901-8798  
 Facsimile: 415/901-8701  
 mwolensky@schiffhardin.com  
 cbridwell@schiffhardin.com  
 Counsel for Defendants  
 JOHN O. DEMARET; COREY A.  
 COLEHOUR; J. KENNETH DALTON;  
 WERNER E. KELLER; THOMAS F.  
 LYDON; PATRICK T. MCCARVILLE; AND  
 ROGER SOMERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

JAMES RAFTON, TRUSTEE OF THE  
 JAMES & CYNTHIA RAFTON TRUST,  
 et al.,

Plaintiffs,

v.

RYDEX SERIES FUNDS, et al.,

Defendants.

No. CV 10-01171 LHK

Action Filed: March 19, 2010

STIPULATION AND ~~PROPOSED~~ ORDER  
 EXTENDING TIME TO FILE UNOPPOSED  
 MOTION FOR PRELIMINARY APPROVAL  
 OF CLASS ACTION SETTLEMENT AND  
 NOTICE PLAN

Dept: Courtroom 4, 5th Floor  
 Judge: Hon. Lucy H. Koh

1 This Stipulation and [Proposed] Order Extending Time To File Motion For Preliminary  
 2 Approval of Class Action Settlement is filed by Lead Plaintiffs, James Rafton and James Darst  
 3 and Defendants Rydex Series Funds, Padco Advisors Inc. d/b/a Rydex Investments, Inc., Rydex  
 4 Distributors, Inc., and Richard M. Goldman, Carl G. Verboncoeur, Nick Bonos, Michael P.  
 5 Byrum, John O. Demaret, Corey A. Colehour, J. Kenneth Dalton, Werner E. Keller, Thomas F.  
 6 Lydon, Roger Somers and Patrick T. McCarville.

7 WHEREAS, Lead Plaintiffs and Defendants entered into a Memorandum of  
 8 Understanding dated June 8, 2011 providing the key terms for settlement of the above-referenced  
 9 class action;

10 WHEREAS, the Court established July 25, 2011 as the deadline for filing the motion for  
 11 preliminary approval of the settlement and related papers;

12 WHEREAS, the parties have been diligently preparing the necessary Motion, Stipulation  
 13 and Settlement Agreement, Notices, and other related documents required to initiate the class  
 14 action settlement process;

15 WHEREAS, the parties now require an additional *three days* in order to complete the  
 16 documentation and allow the parties and their counsel time to review the final documents in order  
 17 that the Motion for Preliminary Approval of Settlement And Notice Plan may be filed unopposed;  
 18 and

19 WHEREAS, this addition of time will not delay the scheduled date for the Preliminary  
 20 Approval Hearing or the proposed date for the Final Approval Hearing;

21 IT IS HEREBY STIPULATED AND AGREED SUBJECT TO APPROVAL OF THE  
 22 COURT THAT:

23 The deadline for filing of the Unopposed Motion for Preliminary Approval of Proposed  
 24 Class Action Settlement and Notice Plan in the above-captioned matter is hereby extended from  
 25 July 25, 2011 to and including July 28, 2011.

1 Dated: July 25, 2011

Respectfully Submitted,

2 SPARER LAW GROUP

3  
4 By: \_\_\_\_\_  
5 ALAN W. SPARER

6 100 Pine Street, 33rd Floor  
7 San Francisco, CA 94111-5128  
8 Telephone: 415.217.7300  
9 Facsimile: 415-217-7307

Lead Counsel for Lead Plaintiffs

10 Concurrence in the filing of this document has been obtained from the other signatories.

11 DECHERT LLP

SCHIFF HARDIN LLP

12 By: \_\_\_\_\_  
13 MATTHEW L. LARRABEE

By: \_\_\_\_\_  
MICHAEL K. WOLENSKY

14 One Maritime Plaza, Suite 2300  
15 San Francisco, California 94111-3513  
16 Telephone: 415.262.4500  
17 Facsimile: 415.262.4555

One Market, Spear Street Tower, 32<sup>nd</sup> Floor  
San Francisco, CA 94105  
Telephone: 415.901.8798  
Facsimile: 415.901.8701

18 Counsel for Defendants Rydex Series Funds;  
19 Padco Advisors Inc. d/b/a Rydex Investments,  
20 Inc.; Rydex Distributors, Inc.; Nick Bonos;  
21 Michael P. Byrum; Richard M. Goldman; and  
22 Carl G. Verboncoeur

Counsel for Defendants John O. Demaret;  
Corey A. Colehour; J. Kenneth Dalton;  
Werner E. Keller; Thomas F. Lydon;  
Patrick T. McCarville; and Roger Somers

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: July 26, 2011

25   
26 \_\_\_\_\_  
27 THE HONORABLE LUCY H. KOH  
28 United States District Judge